REMARKS/ARGUMENTS

Claims 1-63 are pending in the present application. Claims 1-19, 21-40, 42-61 and 63 have been withdrawn from consideration. In the Office Action mailed July 5, 2006, the Examiner rejected claims 20, 41 and 62 under 35 U.S.C. § 102. Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A.   Claims 20, 41 and 62 Rejected Under 35 U.S.C. § 102(e)

The Office Action rejected claims 20, 41 and 62 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,604,157 to Brusky et al. (hereinafter, "Brusky"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the … claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

During examination, the words of a claim "must be given their plain meaning unless applicant has provided a clear definition in the specification." MPEP § 2111.01. "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." Id. (quoting Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc)).

Applicants respectfully submit that the claims at issue are patentably distinct from Brusky. Brusky does not disclose all of the limitations in these claims.

For example, Brusky does not disclose "determining that the application is not configured to receive the information through the first communication port," as recited in the pending claims. The Office Action asserts that the user interface 34 in Brusky is the "first communication port" that is recited in the pending claims. Applicants respectfully disagree. One of ordinary skill in the art would not interpret the user interface 34 in Brusky as a "communication port." Brusky states that the user interface 34 may be used to "control the operation of the various functions of that peripheral." Brusky, col. 3, lines 6-7. Brusky also states that the user interface 34 "includes a display screen 36 for displaying certain operational parameters or eliciting appropriate input from a user." Id., col. 3, lines 8-10. Figure 5 of Brusky illustrates an exemplary peripheral user interface 34. This exemplary user interface 34 includes function initiation keys 70 (e.g., a scan key 72, a copy key 74, and a fax key 76), prompts 80, selection keys 84, etc. Clearly, the description provided in Brusky of the user interface 34 cannot reasonably be interpreted as a "communication port" within the meaning of the pending claims.

To further clarify the difference between the user interface 34 in Brusky and the "first communication port" in the pending claims, the pending claims have been amended to recite that "the first communication port comprises hardware which places the object identifier reader in electronic communication with the object identifier reader." Support for this amendment may be found throughout Applicants' specification (see, e.g., paragraphs [05], [36]-[38], [46], and [57]) and drawings (see, e.g., Figures 1 and 4). The user interface 34 does not place the peripheral 14 in electronic communication with the host 18. Rather, as described above, the user interface 34 in Brusky is the portion of the peripheral device 14 with which a user may interact.

The Office Action asserts that in Brusky, "preset parameters dictate if the application is able to receive the data set." Office Action, page 3. This may be true, but this does not relate to "determining that the application is not configured to receive the information through the first communication port," as recited in the pending claims. Brusky states that the "processor 50 performs any required data manipulation such as that required by the present parameters." Brusky, col. 5, lines 3-5. "For example, if the application, such as application 56, is a text based application,

then images scanned by scanner 44 must be converted into a text file." Id., col. 5, lines 11-13. This is done so that "the scanned information is passed to the target application in the best form for use in that application." Id., col. 5, lines 18-20. Thus, the cited section of Brusky relates to the format of scanned data as it is passed to an application. In contrast, the pending claims relate to ensuring that an application receives data through an appropriate communication port. These two concepts – (1) the format in which data is received, and (2) the communication port through which data is received – are separate and distinct from another.

Brusky also does not disclose "determining that the application is configured to receive the information through a second communication port," as recited in the pending claims. The Office Action appears to assert that the "hardware/software combination of the processor 50 which performs data manipulation on the data set" corresponds to the "second communication port" that is recited in the pending claims. Office Action, pages 3 and 5. Applicants respectfully disagree. For reasons similar to those discussed above, one of ordinary skill in the art would not interpret a processor 50 that is configured to perform data manipulation techniques as a "communication port" within the meaning of the pending claims.

To further clarify the differences between Brusky and the pending claims, the pending claims have been amended to recite "identifying an association between the application and the second communication port." Support for this amendment may be found throughout Applicants' specification (see, e.g., paragraphs [05], [36]-[38], [46], and [57]) and drawings (see, e.g., Figures 1 and 4). Brusky does not disclose this element of the amended claims.
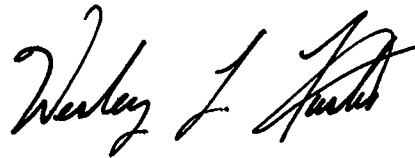
In view of the foregoing, Applicants respectfully submit that the pending claims are patentably distinct from Brusky. Accordingly, Applicants respectfully request that the rejection of the pending claims be withdrawn.

B.   Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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